



February 6, 2006

Dr. Clifford K.H. Lau
Via fax at 522-9646

faxed

Re: Subpoenas

Dear Dr. Lau:

On October 19, 2006, a federal court Subpoena Duces Tecum was served requiring your custodian of records to search for, retrieve, and produce specific categories of documents. In response, Rhonalyn Balmori, your receptionist, appeared before a notary public and provided sworn testimony that she was your custodian of records, and that she was producing all documents responsive to the subpoena. She produced only a single record review letter, representing that that was the only letter written by you during the six year period covered by the federal court subpoena. Ms. Balmori has since admitted that she is not your custodian of records, that she did not make any effort to search for or retrieve documents responsive to the subpoena, and that more than the one single record review report should have been produced. Moreover, we are in possession of at least two other record review letters you wrote, and we have reason to believe you have actually performed dozens or more during the time period covered by the federal court subpoena.

We hereby extend to you a second opportunity to thoroughly respond to the subpoena duces tecum. If you would like to have an opportunity to once again read the subpoena duces tecum, and this time make a thorough search for all responsive documents and produce them to the court reporter, carefully noting the specific descriptions listed in the subpoena, please let us know by letter by 4:30 p.m. on Friday, February 9, 2007. If you tell us by that time that you want to respond again to the subpoena, we will then arrange with the court reporter a convenient date for your custodian of records to do so by February 23, 2007. If we do not hear otherwise by February 9, 2007 we will assume that you do not want another opportunity to respond to the subpoena duces tecum.

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In addition, on September 21, 2006 you were served with a federal court subpoena to testify as a fact witness in this federal court lawsuit. Your representative informed us that you refused to obey the subpoena unless we gave you at least \$1,000.00, and that you would not appear at the time and place directed in the federal court subpoena. Perhaps you are under the mistaken impression that you are an expert witness who has been retained to provide expert testimony on behalf of a party in this case. That is not the situation in this case. Here, you did certain things that have resulted in a lawsuit in federal court. You were served with a federal court subpoena to testify about what you did. You are not being hired as an expert. You were subpoenaed to testify in federal court about your actions, i.e. what you saw, what you did, what you heard, and what you wrote. We hereby extend to you a second opportunity to obey the subpoena to testify. If you would like to have an opportunity to comply with the subpoena and testify as required by law, please let us know by letter by 4:30 p.m. on Friday, February 9, 2007. If you tell us that you are willing to comply with the subpoena, and are no longer demanding payment to do so, we will then arrange with the court reporter and your office a convenient date for your deposition in March or April 2007. We are willing to take the deposition at your office, so as to avoid the need for you to travel downtown. If we do not hear otherwise by February 9, 2007 we will assume that you do not want another opportunity to obey the subpoena that was served upon you to testify in the federal court lawsuit.

Very truly yours,

SHIM & CHANG
Attorneys at Law

By


ROY K. S. CHANG
HARVEY M. DEMETRAKOPOULOS

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